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JOHN P. HERMAN
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

2013 APR -2 AM 11: 26

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST. DIV. COLUMBUS

THE W.W. WILLIAMS COMPANY

Plaintiff,

v.

DOMAINS BY PROXY, LLC,

and

JEFFREY KEIL
4830 N. Miller Road
Scottsdale, AZ 85251,

and

GOOGLE, INC.
1600 Amphitheatre Parkway
Mountain View, CA 94043,

and

TCAST Communications, Inc.
25115 Avenue Stanford
Ste B-210
Valencia, CA 91355,

and

JOHN DOES 1-10.

Defendants.

Case No. 2:13-cv-298

Judge: Watson

Magistrate Judge: Deavers

**FIRST AMENDED COMPLAINT FOR TRADEMARK INFRINGEMENT, FALSE
DESIGNATION OF ORIGIN, PASSING OFF, CYBER SQUATTING AND FRAUD**

Pursuant to Rule 15(a)(1) of the Federal Rules of Civil Procedure, Plaintiff The W.W. Williams Company, amends its Verified Complaint for Trademark Infringement, False Designation of Origin, Passing Off, Cybersquatting and Fraud [dkt. 1] (the “Verified Complaint”) to name certain John Doe Defendants whose identities have recently become known. Plaintiff incorporates by reference herein the allegations set forth in its Verified Complaint as if fully restated herein.

Parties

2. Plaintiff The W.W. Williams Company (“W.W. Williams”) is an Ohio corporation with a principal place of business at 835 W. Goodale Avenue, Columbus, Ohio 43212. For 100 years, W.W. Williams has been a family-owned business engaged in the sales and service of diesel engines, refrigeration units, power generation equipment and parts distribution. The W.W. Williams name and website, wwwwilliams.com, are well known among consumers of industrial products.

3. Upon information and belief, Defendant Domains by Proxy, LLC became the registrant of the domain wwwwilliamsinc.com (the “Disputed Domain”) on or about March 5, 2013. Domains by Proxy LLC is an Arizona corporation with its principal place of business in Scottsdale, Arizona.

4. Plaintiff specifically identifies the following John Doe Defendants, but further avers that it does not know the true names or legal capacities of all possible Defendants sued herein, who will continue to be identified as as JOHN DOES 1-10, inclusive.

a) According to the records of Defendant Domains by Proxy and its affiliate, GoDaddy.com, the Registrant of the Disputed Domain is Defendant Jeffrey Keil, an individual residing at 4830 N. Miller Road, Scottsdale, Arizona 85251.

b) Defendant Google, Inc. is a Delaware corporation with its principal place of business at 1600 Amphitheatre Parkway, Mountain View, California 94043. Upon information and belief, the Registrant of the Disputed Domain purchased and registered the Disputed Domain through Google Apps, a service of Defendant Google, Inc. which partners with GoDaddy.com to offer domain registration and hosting services. Upon information and belief, Google.com is the host of the wwwilliamsinc.com domain, and email with the address ____@wwwilliamsinc.com are hosted on servers maintained by Google. Customers who obtain their domain names through Google Apps pay their domain registration and renewal fees directly to Google.com. As part of the Google Apps services, customers are also provided with a gmail.com email address. Email with a gmail.com address is also hosted by Google.com on its servers. One of the John Doe Defendants herein has used the email address mcsikoswwwilliamsinc.com@gmail.com in furtherance of the infringing and fraudulent activities set forth in the Verified Complaint. See email attached hereto as Exhibit K.

c) Defendant TCAST Communications (“TCAST”) is a California corporation with its principal place of business in Valencia, California. TCAST is a provider of broadband internet, VoIP and Voice services for business clients throughout the United States. Defendant TCAST is the owner of the toll free number 866-545-0851, the telephone number that the John Doe Defendants have been using in furtherance of their infringing and fraudulent scheme as set forth in the Verified Complaint. Attached hereto as Exhibit L is a report showing ownership of the number 866-545-0851 by TCAST.

Dated: April 2, 2013

Respectfully submitted,



Joseph R. Dreitler, Trial Attorney (0012441)

Mary R. True (0046880)

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Facsimile: (614) 241-2169

Attorneys for Plaintiff

The W.W. Williams Co.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon all counsel of record this
2nd day of April, 2013 using the Court's ECF system.

/Mary R. True/

Exhibit K

From: mcsikoswwwilliamsinc.com@gmail.com [<mailto:mcsikoswwwilliamsinc.com@gmail.com>] **On Behalf Of** Mark Csikos
Sent: Monday, April 01, 2013 7:32 AM
To: websales@jendcosafety.com
Subject: ENQUIRY - MSA Multigas Detectors

Hi Sales,

Kindly do advise prices for the below MSA Multigas Detectors

1. MSA Altair 5 Multigas Detectors (LEL, O2, H2S, SO2) x price ?
with : Integral Pump, 10 ft. Sampling Line, 1 ft. Probe.
P/No # : 10094911

2. MSA Altair 4X Multigas Detector- LEL,O2,CO,H2S. x price ?
P/No # 10107602

Anticipating your quickest response.

Thank you,

Mark Csikos

Purchasing Manager

W.W. Williams
835 West Goodale Boulevard.
Columbus, Ohio 43212
Tel:(614)465 3615
Fax:(614)573 0540
E-mail:MCsikos@wwwwilliamsinc.com

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Exhibit L

Type: Num History Version: 9.4.132 (prod01)
 Status: Success User ID: quimby / TollFreeNumbers/RespOrg.com
 Date/Time: 04/01/13 11:38A IP Addr: 173.62.56.17
 Number: ~~866-545-0851~~
 Abstract: Number history query (< 1 Second).

<u>Change Date</u>	<u>Status</u>	<u>Status Change Date</u>	<u>RespOrg</u>	<u>Prev RO</u>	<u>Login ID</u>	<u>Download Date</u>
01/23/2009 14:27:53	WORKING	06/28/2007 14:22:42	KAT01	OFT01	OFT01JPD	01/24/2009 00:01:00
06/28/2007 14:22:42	WORKING	06/28/2007 14:22:42	OFT01		ART01000	06/29/2007 00:01:00
06/28/2007 14:22:38	ASSIGNE	06/28/2007 14:22:38	OFT01		ART01000	06/29/2007 00:01:00
06/28/2007 14:19:16	RESERVE	06/28/2007 14:19:16	OFT01		ART01000	06/29/2007 00:01:00

Name: Don Howard Company: TCAST Communications
 Address: 25115 Avenue Stanford
 Ste B-210
 Valencia, California 91355
 Phone #: 661-253-5030 Trouble #: 661-253-5030
 Fax #: 661-253-0138 Email Address: 800@tcastcom.com
 Resp Org: KAT01 Contact Type: Primary